



MAR 22 2006

Pragitioner's Docket No. NAI1P484/01.103.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nicholas Paul Kelly et al.

Application No.: 10/028,906

Group No.: 2131

Filed: December 28, 2001

Examiner: Laforgia, C.

For: CONTROLLING ACCESS TO SUSPICIOUS FILES

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed January 18, 2006, for a second time rejecting claims 1-39.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

03/22/2006 MBIZUNES 00000030 501351 10028906

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CERTIFICATION UNDER 37 C.F.R. ' 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.10*

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facsimile transmitted to the Patent and Trademark Office, (571) 273 -8300.


Signature

Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(j). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

| | |
|---------------------------|----------|
| Other than a small entity | \$500.00 |
|---------------------------|----------|

| | |
|--------------------------|----------|
| Notice of Appeal fee due | \$500.00 |
|--------------------------|----------|

3. EXTENSION OF TERM

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

| | |
|----------------------|-----------------|
| Notice of Appeal fee | \$500.00 |
| TOTAL FEE DUE | \$500.00 |

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$500.00 to Deposit Account No. 50-1351 (Order No. NAI1P484).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAI1P484).

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Signature of Practitioner
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